

By: King of Uvalde

H.B. No. 3707

A BILL TO BE ENTITLED

AN ACT

relating to an inspection program to deter cattle theft;
authorizing an administrative penalty; authorizing an assessment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 6, Agriculture Code, is
amended by adding Chapter 153 to read as follows:

CHAPTER 153. PREVENTION AND INVESTIGATION OF CATTLE THEFT

Sec. 153.001. DEFINITIONS. In this chapter:

(1) "Association" means the Texas and Southwestern
Cattle Raisers Association.

(2) "Program" means the inspection program
established by department rule under Section 153.002.

Sec. 153.002. ESTABLISHMENT OF PROGRAM. (a) The
department by rule shall establish a cattle inspection program to
discourage and investigate property crimes involving cattle in this
state:

(1) on request by the association; and

(2) if a similar program authorized by federal law is
canceled, suspended, repealed, or otherwise scheduled for
discontinuation.

(b) The program must utilize existing cattle industry
infrastructure to the extent possible.

Sec. 153.003. INSPECTIONS. Program rules shall authorize
the special rangers appointed under Article 2.125, Code of Criminal

1 Procedure, and other association employees designated by the
2 special rangers, to inspect and record brands and other identifying
3 characteristics of cattle at livestock auction markets, livestock
4 video and online auctions, and slaughter plants.

5 Sec. 153.004. ASSESSMENT. (a) Program rules shall
6 establish a per-head regulatory assessment in an amount necessary
7 to reimburse the association for costs incurred under this chapter.

8 (b) In determining the amount of the assessment, the
9 department shall consider:

10 (1) the amount of similar assessments or charges
11 authorized by the laws of other states or the United States;

12 (2) the costs of administering the program; and

13 (3) the expertise required to administer the program.

14 (c) On request by the association, the department shall
15 review the amount of the assessment and consider any necessary
16 revision.

17 (d) Each livestock auction market, livestock video or
18 online auction, and slaughter plant where inspections are conducted
19 under the program shall collect the assessment and remit the amount
20 collected to the association.

21 (e) Assessments collected under this section are not state
22 funds and are not required to be deposited in the state treasury.

23 (f) A person who has possession, custody, or control of an
24 assessment collected under this section and not remitted to the
25 association before the 31st day after the date collected is subject
26 to an administrative penalty in an amount provided by department
27 rule.

1 Sec. 153.005. STATE OVERSIGHT. (a) The department shall
2 review and approve the association's budget for the program each
3 year within 30 days of submittal by the association.

4 (b) The department or the state auditor may inspect the
5 association's financial records related to the program at any time.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2017.